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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD KADREY, et al., Individual and Representative Plaintiffs, v. META PLATFORMS, INC., a Delaware corporation; Defendant.	Case No. 3:23-cv-03417-VC **DEFENDANT META PLATFORMS, INC.'S SECOND AMENDED INITIAL DISCLOSURES** Trial Date: None Date Action Filed: July 7, 2023

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2   Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Meta Platforms, Inc.,

3   ("Meta") by and through its undersigned counsel, hereby provides these Second Amended Initial

4   Disclosures.   These Second Amended Initial Disclosures are based upon presently available

5   information, based upon reasonable inquiry, and Meta reserves the right to supplement its

6   disclosures as provided in Federal Rule of Civil Procedure 26(e) or amend these disclosures upon

7   further investigation and discovery in this matter.

8   **A.   Individuals Likely to Have Discoverable Information**

9   The following list identifies individuals presently known to Meta who are believed to have

10   knowledge of facts relevant to the claim or defense of any party. Meta reserves the right to add or

11   remove individuals from its disclosures and to object to the deposition or trial testimony of any

12   individual identified in its disclosures, and to otherwise supplement its disclosures through the

13   course of discovery. Accordingly, Meta identifies the following:

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Name	Address	Potentially Relevant Information
Richard Kadrey Sarah Silverman Christopher Golden Matthew Klam David Henry Hwang Rachel Louise Snyder Ta-Nehisi Coates Laura Lippman Jacqueline Woodson Junot Diaz Andrew Sean Greer Lysa TerKeurst Christopher Farnsworth	Unknown	Information concerning Plaintiffs' copyrighted works allegedly used to train Llama; copyright registrations associated with Plaintiffs' works allegedly used to train Llama; injury allegedly sustained by Plaintiffs; assignments of rights and licenses concerning Plaintiffs' allegedly infringed works.

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Name	Address	Potentially Relevant Information
Current and/or former publishers and/or agents and/or loan-out/affiliated companies of Plaintiffs relating to the asserted works, including Broadway Licensing, Hachette Book Group, Inc., HarperCollins Christian Publishing, Inc., HarperCollins Publishers LLC, Macmillan Publishers, Inc., Moody Bible Institute of Chicago, Inc. (d/b/a Moody Publishers, inter alia), Penguin Random House, LLC, BCP Literary, Inc., Daring Greatly Corporation, Eleven Eleven O'Clock Corporation	*See* subpoenas served in this action for known contact information	Information concerning Plaintiffs' copyrighted works allegedly used to train Llama; copyright registrations associated with Plaintiffs' works allegedly used to train Llama; injury allegedly sustained by Plaintiffs; assignments of rights and licenses concerning Plaintiffs' allegedly infringed works.
Affiliated companies of Plaintiffs including Perdition Street LLC, Lysa TerKeurst LLC, Lysa TerKeurst Florida LLC, The Proverbs 31 Ministry, Inc., Haven Place Ministries, Inc., and TerKeurst Foundation	Unknown	Information concerning Plaintiffs' copyrighted works allegedly used to train Llama; copyright registrations associated with Plaintiffs' works allegedly used to train Llama; injury allegedly sustained by Plaintiffs; assignments of rights and licenses concerning Plaintiffs' allegedly infringed works.
Hugo Touvron Research Scientist at Meta	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 1, 2, and 3 by Meta, including model design architecture, and fine-tuning.
Aurélien Rodriguez	Believed to be located in the Paris, France area	Information and documents concerning background, development, and use of Llama 1, 2, and 3 by Meta;

SECOND AMENDED INITIAL DISCLOSURES
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Name	Address	Potentially Relevant Information
Former Software Engineering Manager at Meta		management and oversight of development of Llama 1 and Llama 2; benchmarking tests.
Sergey Edunov Director, AI Research	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 2 and 3 by Meta; management and oversight of development of Llama 2 and Llama 3.
Amrish Acharya Finance Director, Meta	To be contacted through counsel, Cooley LLP	Information and documents concerning financial information regarding, and investment in, the Llama models.
Josh Ginsberg VP, Corporate Marketing	To be contacted through counsel, Cooley LLP	Information and documents concerning marketing of the Llama models.
Angela Fan Research Scientist	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 2 and 3 by Meta; integration of Llama into products at Meta
Melanie Kambadur Research Engineering Manager	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 2 and 3 by Meta, including dataset selection and risk mitigations.
Joelle Pineau VP, AI Research	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and release of Llama 1; Llama 1 open license approach; artificial intelligence and neural networks; natural language processing; large language models; oversight of Fundamental AI Research ("FAIR") team, including regarding Llama 1.
Mike Clark Director, Product Management	To be contacted through counsel, Cooley LLP	Information and documents concerning development of Llama 2 and 3; risk and safety policies related to Llama 2 and 3 and implementation of the same.
Ahmad Al-Dahle VP Gen AI	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, release, and use of Llama 2 and 3 by Meta; integration of Llama into products at Meta; oversight of Generative AI ("Gen AI") team, including regarding Llama 2 and Llama 3.

Name	Address	Potentially Relevant Information
Chaya Nayak Director, Product Management	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 2 and 3 by Meta; risk and safety policies related to Llama 2 and 3 and implementation of the same; integration of Llama into Meta products.
Yann LeCun Chief AI Scientist	To be contacted through counsel, Cooley LLP	Artificial intelligence and neural networks; natural language processing; large language models, including training thereof; Meta's decision to release Llama models under an open license.
Nikolay Bashlykov, Research Engineer	To be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of Llama 3 by Meta, including dataset processing and selection.
All additional current and former Meta employees who are deposed in this matter. Meta includes these individuals for completeness although they are already known to Plaintiffs.	For current employees, to be contacted through counsel, Cooley LLP	Information and documents concerning background, development, and use of, marketing of, financial information regarding, and licensing related to the Llama models.

B.   Description of Relevant Documents within the Disclosing Party's Possession, Custody or Control

The following list describes those documents, data compilations and tangible things presently known to Meta that are in the possession, custody, or control of Meta that Meta may use to support its claims or defenses, excluding documents that Meta may use solely for impeachment. Meta's description of such documents, data compilations and tangible items may depend on discovery that has not yet been provided. Meta reserves the right to add or remove documents, data compilations and tangible things from their disclosures and to object to any documents, data compilations and tangible things described in their disclosures. Meta also reserves the right to rely on documents produced by Plaintiffs or third parties in this action to support its claims or defenses.

Accordingly, Meta describes the following:

Document Category	Location
Documents regarding technical details of the Llama models, including its development and the processes by which the model was trained	Meta c/o Cooley LLP
Documents sufficient to show how the Llama models are used for research purposes and to develop new services	Meta c/o Cooley LLP
Plaintiffs allegedly infringed works	Plaintiffs and/or their counsel
Documents demonstrating copyright registrations for Plaintiffs' allegedly infringed works	Plaintiffs and/or their counsel
Documents evidencing injury to Plaintiffs and their works, or lack thereof	Plaintiffs and/or their counsel
Documents concerning the licensing and distribution of Plaintiffs' allegedly infringed works	Plaintiffs and/or their counsel
Plaintiffs' uses of Llama and other generative AI tools	Plaintiffs and/or their counsel

C.   Claimed Damages

Meta has not asserted counterclaims against Plaintiffs. Meta reserves its right to seek recovery of attorneys' fees and costs in amounts to be determined at an appropriate stage, including fees relating to the dismissal of various copyright claims in the Complaint.

D.   Insurance Agreements

Meta is presently unaware of any indemnity or insurance agreements, as defined in Fed. R. Civ. P. 26(a)(1)(A)(iv), that may be relevant to this matter.

Dated: October 21, 2024

COOLEY LLP

By: */s/Phillip Morton*

Bobby Ghajar
Mark Weinstein
Phillip Morton
Kathleen Hartnett
Judd Lauter
Liz Stameshkin
Colette Ghazarian

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Mark A. Lemley

CLEARY GOTTLIEB STEEN &
HAMILTON LLP
Angela L. Dunning

Attorneys for Defendant
META PLATFORMS, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that, on October 21, 2024, all counsel of record who have appeared in this case are being served with a copy of the foregoing via electronic mail.

/s/ *Jerry Gonzalez*

COOLEY LLP
ATTORNEYS AT LAW

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